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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

SHERRY GEHRUNG,

Defendant.

No. CR 08-00114 JW

STIPULATION AND [PROPOSED]
ORDER RE: EXTENSION OF TIME
FOR FILING RESPONSE TO
DEFENDANT'S MOTION PURSUANT
TO 18 U.S.C. § 2255

On November 19, 2009, this Court issued an Order Requesting Briefing from Government directing the United States to file a Response to Defendant Sherry Gehrung's Section 2255 motion. Defendant Gehrung's Section 2255 motion claims that she received ineffective assistance of counsel in connection with the determination of restitution and that she is entitled to a credit on the amount of restitution she owes. The United States' response to defendant Gehrung's Section 2255 motion was due on September 21, 2010.

The parties now jointly request that the government's due date for a response to defendant Gehrung's Section 2255 motion be extended until November 5, 2010. In an effort to eliminate unnecessary litigation, the parties are currently conferring about

whether the restitution-related issues defendant Gehrung raises in her Section 2255 motion are amendable to resolution. The parties have made progress toward a potential resolution of the issues raised in defendant Gehrung's Section 2255 motion. As part of this process, the government has both conferred with law enforcement regarding the claims Gehrung has made in her Section 2255 motion, as well as also conferring with the victim-company in this case to obtain their input regarding a proposed resolution.

In light of the above, the parties agree, and the Court finds and holds, as follows:

1. The government's due date for a response to defendant Gehrung's Section 2255 motion is extended until November 5, 2010.

This is the Government's final continuance.

STIPULATED:

DATED: 10/4/10

/s/
JOHN HALLEY
Counsel for Defendant Gehrung

DATED: 10/4/10

/s/
JOSEPH A. FAZIOLI
Assistant United States Attorney

IT IS SO ORDERED.

DATED: October 5, 2010


JAMES WARE
UNITED STATES DISTRICT JUDGE